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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,682	06/20/2003	Don R. Burns	LA-5336-111US/10305919	6735
167	7590	01/13/2006	EXAMINER	
FULBRIGHT AND JAWORSKI LLP 555 S. FLOWER STREET, 41ST FLOOR LOS ANGELES, CA 90071			WUCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
				3632

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,682	BURNS, DON R.	
	Examiner Alfred Joseph Wujciak III	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4/27/05.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6-11,13-15 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 24 is/are allowed.
- 6) Claim(s) 1-4,6-11,13-15 and 25-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

This is the final Office Action for the serial number 10/600,682, SYSTEM FOR MOUNTING A FLAT PANEL DISPLAY, filed on 6/20/03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11, 13-15 and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 3,433,444 to Smith.

Smith teaches a mounting system (figure 2) comprising a mounting plate (10) including a first surface portion and the mounting plate being adapted to mount to a supporting structure. The system includes a support arm (21) including an outward extending radial flange (18 and 20) at a first end. The radial flange abuts the first surface portion of the mounting plate. The system includes a cover (12) including an aperture and the cover is being affixed to the mounting plate with the radial flange disposed therebetween (see figure 2). The mounting plate and the cover being adapted to exert axial pressure on the radial flange (figure 2 shows that when a screw is inserted in the cover and plate, the cover and plate clamp the part of radial flange 20 therebetween). The support arm having a second end extending through the aperture. The second end of support arm has a bracket (38 and 36) rotatably affixed thereon. The first surface portion comprises an elevated shoulder (located adjacent to slot of element 10 for element 20 to

be retained therein). The support arm is rotatable about an axis relative to the mounting plate (col. 3, lines 73-75). The axis is being defined by the radial flange and the axial pressure is adjustable. The support arm comprises an articulating arm (30), having at least one joint (44). The articulating arm further comprises a first arm segment (located on the left side of 30 in figure 2) rotatably affixed to a second arm (located on the right side of 30 in figure 2) at the at least one joint (44). The at least one joint is adapted to provide resistance to rotation between the first and second arm segments.

In regard to claim 14, Smith teaches a mounting system (figure 2) comprising a mounting plate (10) including a radially defined first surface portion and a second surface portion (located adjacent to the support structure). The second surface portion includes two mounting holes therethrough (located where screws are mounted therein). The system includes an articulating arm (21) including an outward extending radial flange (18 and 20) at a first end and at least one joint (32). The radial flange abuts the first surface portion of the mounting plate. The system includes a cover (12) including an aperture and the cover is being affixed to the mounting plate with the radial flange disposed therebetween (see figure 2). The mounting plate and the cover being adapted to exert axial pressure on the radial flange (figure 2 shows that when a screw is inserted in the cover and plate, the cover and plate clamp the part of radial flange 20 therebetween). The articulating arm having a second end extending through the aperture. The second end of arm has a bracket (38 and 36) rotatably affixed thereon. The first surface portion comprises an elevated shoulder (located adjacent to slot of element 10 for element 20 to be retained therein).

Allowable Subject Matter

Claim 24 is allowed.

The following is an examiner's statement of reasons for allowance: In regards to claim 24, the prior art fails to teach the first of the arm segments extending through the central aperture.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 7/29/05 have been fully considered but they are not persuasive.

On page 7 of applicant's argument stating that "Claim 1 includes the limitation of 'the mounting plate and the cover being adapted to exert axial pressure on the radial flange.' This axial pressure is applied to prevent the support arm from unwanted rotation relative to the mounting and cover plates." The applicant did not further explain in the functional language in claim 1 after "the mounting plate and the cover being adapted to exert axial pressure on the radial flange", which is broad. If the applicant added --- the mounting plate and the cover being adapted to exert axial pressure on the radial flange to prevent the support arm from unwanted rotation relative to the mounting and cover plates---, then it would overcome Smith's reference.

With respect to applicant's argument stating that Smith fails to teach "the mounting plate and the cover being adapted to exert axial pressure on the radial flange". The examiner disagrees

because in figure 2 of Smith's reference clearly show that after the screw is inserted through the cover, the mounting plate (10) and cabinet, it applies pressure on the radial flange (18 and 20) by clamping the cover on the flange against the mounting plate, which creates axial pressure on the flange. If there was no pressure on the radial flange, the radial flange would not remain on the mounting plate because it would slide out of shoulder when the articulating arm is being rotated or moved and that the radial flange and articulating arm would not be suspended in vertical direction when the cover is not pressing against the flange.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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12/28/05